

JIM GIBBONS
Governor

DIANNE CORNWALL
Director, Business and Industry



ANDREW J. MACKAY
Chairman

MICHAEL J. KLOBERDANZ
Commissioner

MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

A duly authorized meeting of the Nevada Transportation Authority was held on **Thursday, August 26, 2010 at 10:00am** at the Authority's offices located at 2290 South Jones Blvd., Suite #110, Las Vegas, Nevada and 1755 East Plumb Ln., Suite #216, Reno, Nevada.

MINUTES OF THE MEETING

1. **Call to Order**
2. **Roll Call; Attending in Las Vegas were Commissioner Michael Klobberdanz, Commissioner Monica Metz, Administrative Attorney Jim Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Inspector Michael Bradford, and Senior Deputy Attorney General David Newton. Attending in Reno were Chairman Andrew MacKay and Deputy Commissioner Marilyn Skibinski.**
3. **Pledge of Allegiance**
4. ****Approval of Agenda; Administrative Attorney Day asked that item 13.b)31) be pulled for discussion and also requested that item 13.b)35) be tabled until the next agenda in order to assure that certain conditions are met prior to consideration by the Authority. Applications Manager Babcock asked to remove items 10.a), 10.b), 10.d), and 10.e). The Authority voted 3-0 to approve the Agenda as modified.**
5. ****Approval of the Minutes of the July 22, 2010 Agenda Meeting; The Authority voted 2-0 to approve the Minutes of the July 22, 2010 Agenda Meeting, with Commissioner Klobberdanz abstaining.**
6. **Briefings from the Commissioners; Commissioner Metz noted that the Legislative Counsel Bureau's review of the current rulemaking dockets is ongoing. Chairman MacKay welcomed Commissioner Klobberdanz back, commended Commissioner Metz on her work in being in a constant state of rulemaking, and conveyed his condolences to the family of former Governor Kenny Guinn.**
7. **Briefing from the Deputy Commissioner; None**
8. **Report of Legal Counsel; Senior Deputy Attorney General Newton stated that Ambassador Limousine has filed for Judicial Review in the Omni matter and also filed a Motion to Stay the Authority's Order granting Omni an expansion of authority in that matter. He also stated that an Opposition to the Motion to Stay has been filed. In the Handicab matter, a Motion for a**

Determination of Parties has been filed. Finally, Mr. Belssner has filed a Motion for Reconsideration with the Nevada Supreme Court.

9. **Applications of Fully Regulated Carriers

- a) **Docket No. 08-03016** The Application of New Charters Nevada, LLC for a certificate of public convenience and necessity to operate as a common carrier of passengers to provide charter limousine service within the State of Nevada. (MJK); **Commissioner Kloberdanz summarized the Application and recommended that the Application be denied. The Authority voted 3-0 to deny the Application.**
- b) **Docket No. 09-02011** The Application of Silver Eagle Relocation Services, Inc. for a certificate of public convenience and necessity to provide the transportation of household goods within the State of Nevada. Deputy Commissioner's Motion to Dismiss the Application; Chairman MacKay summarized the Application history. **Chairman MacKay, Commissioner Metz, and Applications Manager Babcock discussed whether required documents had been submitted by the Applicant since the last Agenda Meeting. Commissioner Kloberdanz stated that there seems to be a good faith effort to complete the Application. The Authority voted 3-0 to table the Motion to Dismiss until the next Agenda Meeting.**
- c) **Docket No. 10-07009** The Application of H.I.S. Tours USA, Inc. d/b/a H.I.S. Tours USA for approval of a contract modification for contract carrier services provided under Contract Carrier Permit MV 6131. Staff investigation concluded; **Brian Holthus was present on behalf of the Applicant. Chairman MacKay summarized the Application. Applications Manager Babcock commented regarding the contract rates. Commissioner Metz asked when a new contract would be submitted. Mr. Holthus responded that it would be prior to the next Agenda Meeting. The Authority voted 3-0 to approve the Application.**
- d) **Docket No. 10-07019** The Request for approval of a Management Agreement filed by Ambassador Limousine Limited Partnership d/b/a Ambassador Limousine for charter limousine service conducted under Certificate of Public Convenience and Necessity ("CPCN") 1041, Sub 3 and by Ritz Transportation, Inc. for charter limousine, airport transfer and special services conducted under CPCN 1089, Sub 1 and for charter bus, airport transfer and special services conducted under CPCN 2055, Sub 1. Staff investigation concluded. **Robert Winner, Esq., was present on behalf of the Applicant. Applications Manager Babcock stated that all of the carriers are in good standing. Commissioner Metz asked Mr. Winner to clarify for the record what control the owner will maintain and noted for the record that the Authority is aware of an impending merger of the two carriers. Commissioner Kloberdanz commented that he thinks it is interesting how the personalities of the parties involved are reflected in the agreement. The Authority voted 3-0 to approve the Management Agreement.**
- e) **Docket No. 10-08006** The Request of Aoki-Noda Logistics, LLC d/b/a Aoki-Noda Moving & Storage to voluntarily cancel Certificate of Public Convenience and Necessity. (CPCN) 3257. Staff investigation concluded; **The Authority voted 3-0 to approve the Request.**

10. **Financial Rates and Tariffs

- a) ~~Docket No. 10-03001-A~~ The Application of Ashley's Towing, Inc. d/b/a Ashley's Towing for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7220. Staff investigation concluded; **Pulled from Agenda.**
- b) ~~Docket No. 10-03001-C~~ The Application of Robert Van Camp & Mikki Van Camp d/b/a Van Camp Towing & Road Service for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7158. Staff investigation concluded; **Pulled from Agenda.**
- c) **Docket No. 10-03011** The Application of Mai Niv Enterprises, Inc. d/b/a ABC Towing for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7242. Staff investigation concluded. **Nir Kaufman and Oscar Martinez were present on behalf of the Applicant. Financial Analyst Aronova summarized the Application. The Authority voted 3-0 to approve the Application.**
- d) ~~Docket No. 10-03014~~ The Application of Day and Night Towing, Inc. for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7125, Sub 1. Staff investigation concluded; **Pulled from Agenda.**
- e) ~~Docket No. 10-06024~~ The Application of Murdock Metal and Paint, Inc. for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 3183, Sub 1. Staff investigation concluded; **Pulled from Agenda.**
- f) **Docket No. 10-07002** The Application of Ritz Transportation, Inc. for approval of a tariff rate modification for airport transfer services conducted under Certificate of Public Convenience and Necessity (CPCN) 1089. Staff investigation concluded. **Items 10.f) and 10.g) were handled jointly. Robert Winner, Esq., was present on behalf of the Applicants. Financial Analyst Aronova summarized the Applications. Commissioner Metz, Applications Manager Babcock and Mr. Winner discussed the application of the proposed rates and their relation to NAC 706.348, relating to exclusive use of a vehicle. Senior Deputy Attorney General David Newton cited NAC 706.060 as the definition of exclusive use. Commissioner Metz expressed concern that the proposed tariff may improperly allow a passenger to procure exclusive use of a vehicle. Chairman MacKay stated that he agreed with Commissioner Metz's concerns. Mr. Winner detailed amendments to the proposed tariff language to address the Commissioners' concerns. Commissioner Kloberdanz suggested the changes be tabled for Staff review. Chairman MacKay respectfully disagreed. The Authority voted 3-0 to approve the Application as amended.**
- g) **Docket No. 10-07003** The Application of Ritz Transportation, Inc. for approval of a tariff rate modification for airport transfer services conducted under Certificate of Public Convenience and Necessity (CPCN) 2055. Staff investigation concluded. **See item 10.f).**
- h) **Docket No. 10-07014** The Application of Five Star Limo, LLC d/b/a Five Star Limo for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity (CPCN) 1113. Staff investigation concluded. **Financial Analyst Aronova summarized the Application and recommended approval. Chairman MacKay and Commissioner Metz asked questions regarding the number and size of the vehicles. The Authority voted 3-0 to approve the Application.**

- i) **Docket No. 10-07035** The Application of Ambassador Limousine Limited Partnership d/b/a Ambassador Limousine for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity (CPCN) 1041, Sub 2. Staff investigation concluded. Items 10.i) and 10.j) were handled jointly. Robert Winner, Esq., was present on behalf of the Applicants. Financial Analyst Aronova summarized the Applications. Chairman MacKay stated that the use of tables made review of the Applications much simpler. The Authority voted 3-0 to approve the Applications.
- j) **Docket No. 10-07036** The Application of Alan Waxler Group Charter Service, LLC d/b/a AWG Charter Service for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity (CPCN) 1068, Sub 3. Staff investigation concluded. See item 10.i).

11. Notices (No action required)

- a) **Docket No. 10-07017** Affordable Towing, LLC is voluntarily cancelling the authority to provide non-consent tows granted under Certificate of Public Convenience and Necessity. (CPCN) 7094, Sub 1. The carrier will retain authority to provide consent-only tows under said CPCN. Staff investigation concluded.
- b) **Docket No. 10-08002** The voluntary cancellation by M. Kundanani, LLC d/b/a A Vegas Towing of Certificate of Public Convenience and Necessity, (CPCN) 7222. Staff investigation concluded.

12. **Discussion Items:

Docket No. 10-06017 Authority Staff's request for Authority direction regarding the removal of the North Las Vegas Police Department City Fee from tow tariffs. Tabled from the Authority's July 22, 2010 general session. Senior Deputy Attorney General Newton stated that he has spoken with Bethany Sanchez, an attorney for the City of North Las Vegas, and she expressed her desire for North Las Vegas to be in compliance with the regulations and they were unaware of non compliance when the contracts were entered. He also stated that he was able to review one contract and it does not have a set termination date. Clark Whitney of Snap Towing stated that Henderson has posted an RFP on the Internet including governmental fees, but subject to NTA approval. Chairman MacKay noted that during the regulatory workshop, no one was in favor of tow carriers collecting governmental fees. The Authority voted 3-0 to table the matter until the next Agenda Meeting.

13. **Consent Items:

- a) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service
 - 1) **Docket No. 10-06007** The Application of Branden Lantz d/b/a Cowboy Recovery for a Certificate of Public Convenience and Necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded. Applications Manager Babcock summarized the Application. The Authority voted 3-0 to approve the Application.
 - 2) **Docket No. 10-06022** The Joint Application of Murdock Metal and Paint, Inc. for authority to sell and transfer and of Battleborn Restoration, LLC to purchase and acquire the authority to provide tow car service by tow car within the State of Nevada granted under Certificate of

Public Convenience and Necessity (CPCN) 3183, Sub 1. Staff investigation concluded. **Applications Manager Babcock summarized the Application. The Authority voted 3-0 to approve the Application.**

- b) **Administrative Citations and Impoundments; Chairman MacKay explained that the following items were administrative citation and impound matters in which either Staff submitted a Settlement Agreement for approval or a hearing officer presided over the hearing with respect to the alleged violation(s), made findings, and provided recommendations with respect to appropriate fines and/or other remedies. Chairman MacKay explained that the items are voted on in a block. The Authority voted 3-0 to approve items 13.b)1)-13.b)36) excluding items 13.b)14, 13.b)31) and 13.b)35).**

- 1) **Citation 14455** issued to Michael Majchrzak for violations of NAC 706.365 and NAC 706.3754. (AJM)
- 2) **Citation 14456** issued to Matthew Lucian Malcolm for violations of NRS 706.386 and NRS 706.758. (AJM)
- 3) **Impound 1526** The impoundment pursuant to NRS 706.476 of a vehicle registered to Chris Monroe Senn Jr. (AJM)
- 4) **Impound 1521 and Citation 14266** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14266 issued to Dino Michael Santora for violations of NRS 706.386 and NRS 706.758. (AJM)
- 5) **Impound 1730 and Citation 15118** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15118 issued to Shai Mizrahy and/or AAA Movers for violations of NRS 706.386 and NRS 706.758. (AJM)
- 6) **Impound 1731 and Citation 15145** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15145 issued to Scott Goldstein for violations of NRS 706.386 and NRS 706.758. (AJM)
- 7) **Citation 15114** issued to Shemeles Berja for violations of NAC 706.329 and NAC 706.228. (MJK)
- 8) **Citation 15253** issued to Javier Torres-Palomo for violations of NRS 706.386 and NRS 706.758. (MJK)
- 9) **Impound 1616** The impoundment pursuant to NRS 706.476 of a vehicle registered to Marciela Garcia de Torres. (MJK)
- 10) **Impound 1726** The impoundment pursuant to NRS 706.476 of a vehicle registered to Brad Alan Hartmaier. (MJK)
- 11) **Impound 1744 and Citation 15255** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15255 issued to Michael Downton for violations of NRS 706.386 and NRS 706.758. (MJK)

- 12) **Impound 1747 and Citation 15256** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15256 issued to Joaquin Ortiz for violations of NRS 706.386 and NRS 706.758. (MJK)
- 13) **Citation 15111** issued to Anthony D. Delgado for violations of NAC 706.228 and NAC 706.329. (MBM)
- 14) **Citation 15144** issued to Roger Ruiz for a violation of NAC 706.329. (MBM) **Commissioner Metz Summarized the Citation's history. Administrative Attorney Day stated that he spoke with Mr. Ruiz and a Motion to Set Aside Default Judgment was filed. Commissioner Metz, as Hearing Officer in the matter, granted the Motion and directed that the matter be reset for hearing.**
- 15) **Citation 15149** issued to Michael Cimino for violations of NRS 706.386 and NRS 706.758. (MBM)
- 16) **Citation 15165** issued to Maikel Alvarez-Oliva for violations of NRS 706.386 and NRS 706.758. (MBM)
- 17) **Citation 15167** issued to Nico Kasper for violations of NAC 706.247/ 49 CFR 392.5 and NAC 706 as amended by LCB File No. R127-07(1). (MBM)
- 18) **Citation 15168** issued to 24/7 Entertainment, LLC for a violation of NAC 706.247/49 CFR 392.5. (MBM)
- 19) **Citation 15169** issued to Paycor Omar Garcia-Lopez for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20) **Citation 15171** issued to Alejandra Zermeno for a violation of NRS 706.758. (MBM)
- 21) **Citation 15189** issued to Anthony d. Delgado for a violation of NAC 706.247/49 CFR 392.5. (MBM)
- 22) **Citation 15195** issued to Sahak Mazmanyan for violations of NRS 706.386 and NRS 706.758. (MBM)
- 23) **Impound 1601** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ruben Munoz. (MBM)
- 24) **Impound 1734** The impoundment pursuant to NRS 706.476 of a vehicle registered to Alejandra Zermeno. (MBM)
- 25) **Impound 1742** The impoundment pursuant to NRS 706.476 of a vehicle registered to Srboui Oganessian. (MBM)
- 26) **Impound 1736 and Citation 15170** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15170 issued to Mario Francisco Velasquez for violations of NRS 706.386 and NRS 706.758. (MBM)

- 27) **Impound 1746 and Citation 15197** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15197 issued to Alan Matthew Surbaugh for violations of NRS 706.386 and NRS 706.758. (MBM)
- 28) **Impound 1738 and Citation 15173** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15173 issued to Mihai Bogdan Gingu for violations of NRS 706.386 and NRS 706.758. (MBM)
- 29) **Impound 1745 and Citation 15257** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15257 issued to Cosme Garcia Jr. for violations of NRS 706.386 and NRS 706.758. (MBM)
- 30) **Citation 14113** issued to Domingo Guizer for a violation of NAC 706.247/49 CFR 391.41(a).
- 31) **Citation 14114** issued to A-1 Towing and Storage Inc. for violations of NAC 706.247/49 CFR 391.41(2 counts) and NAC 706.247/49 CFR 382.301(3 counts). **Commissioner Metz stated that this was similar to a couple of settlements from past Agenda Meetings concerning smaller carriers. The Authority voted 3-0 to deny the settlement agreement and set the Citation for a hearing.**
- 32) **Citation 14453** issued to William James Bunting for a violation of NAC 706.3761.
- 33) **Citation 14757** issued to AWG Charter Services, LLC for a violation of NAC 706.360.
- 34) **Citation 15041** issued to The Tow Truck Company for violations of NRS 706.4477(3)(b) and NRS 706.4477(4)(2)(a).
- 35) ~~**Citation 15164** issued to Brad Alan Hartmaier for violations of NRS 706.386 and NRS 706.758.~~ **Pulled from Agenda**
- 36) **Citation 15190** issued to Abenet Mitiku Gebre for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41.

14. Public Comment; Kimberly Maxson-Rushton, Esq., wished to advise the Authority of actions the LOA planned to take regarding the upcoming legislative session. Ms. Rushton reported that the LOA would not support any structural changes to the Authority. Chairman MacKay thanked Ms. Rushton for the update. Chairman MacKay and Commissioner Metz discussed with Ms. Rushton the details of the proposed licensing of limo drivers bill. Commissioner Kloberdanz clarified the intent of the proposed bill. Ms. Rushton echoed Chairman MacKay's condolences regarding the late Governor's family. Ms. Rushton also stated that there are no teeth to the NTA fines and that the LOA will pursue with the DMV the possibility of added remedies such as license revocation.

15. Adjournment; 12:02pm

** Denotes the Authority was expected to consider and possibly take action on this matter.